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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,211	04/04/2006	Zoltan A. Kemeny	D-3184	3664
33197 7590 06/22/2009 STOUT, UXA, BUYAN & MULLINS LLP 4 VENTURE, SUITE 300 IRVINE, CA 92618				
EXAMINER				
BARTOSIK, ANTHONY N				
ART UNIT		PAPER NUMBER		
3635				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,211

Applicant(s)

KEMENY, ZOLTAN A.

Examiner

ANTHONY N. BARTOSIK

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a Final Rejection sent in response Applicant's Amendments of March 4, 2009.

Specification

1. The amendment filed 3/04/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows. The amendment to specification setting for filler material "100" is considered new matter as it does not have sufficient support in the original specification. Claims 5 and 6 include the amendment of "solid" that was not supported in the original disclosure and is considered new matter. Lastly, Figure 4 is considered new matter as it includes subject matter not properly supported by the original specification, i.e. the depiction of the filler material.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of upper and lower interstitial regions and the upper and lower interstitial regions filled with filler material (Claims 5-6) must be shown or the feature(s) canceled from the claim(s). The submitted figures including the mentioned features are considered new matter and are

therefore not accepted. No new matter should be entered. For examination purposes, it will be assumed that the upper and lower interstitial regions refer to open space between the upper and lower plates and between the connecting members (80).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The previous drawing objection set forth in paragraph 2 of the previous action has been corrected with the submission of the new Figures 1, 6, and 9, however since the figures all stand and fall together, the objection is still applicable. Having

determined that new Figure 4 contains new matter, all the figures together are not accepted and new Figures 1, 6, and 9 must be submitted separately.

Claim Objections

4. Claims 1, 7, and 10 are objected to for not clearly setting forth the limitation in regards to the "payload." As currently written the payload is not a positively recited limitation. Appropriate correction is required.
5. Claim 7 recites the limitation "second structures." There is insufficient antecedent basis for this limitation in the claim.

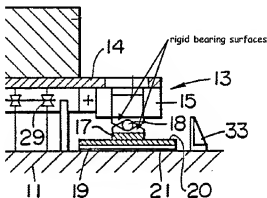
Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. 4,917,211) in view of Otsuka et al. (U.S. 6,123,313) and Kemeny (U.S. 5,559,106).

8. In Re claim 1, Figures 1(a) and 1(b) of Yamada et al. teaches an upper plate (13) upon which the payload (12) to be supported is placed, said upper plate having a plurality of downward-facing, conical, rigid bearing surfaces (*see modified figure*) linked by connecting members (22);



a plurality of rigid spherical balls (18) interposed between said downward and upward bearing surfaces;

said downward and upward bearing surfaces comprising central apices having the same curvature as that of said spherical balls such that a restoring force is substantially constant, and having recess perimeters having the same curvature as that of said spherical balls, which connects said central apices and recess perimeters with continuous slope, wherein the curvature of said spherical balls and downward and upward bearing surfaces are further configured such that as said spherical balls and upper and lower plates displace laterally relative to one another, a restoring force is substantially constant and a retention mechanism (25) secures said lower plate and

said upper plate together and allows for lateral displacement between said upper and lower plates without separation of said upper and lower plates.

Yamada teaches a lower system that utilizes separate frame members that attach to a foundation, contrary to the claimed lower plate. Figures 1 and 2 of Otsuka et al. teach a frame system that includes an upper plate and a lower plate secured to a foundation (A2), said foundation supporting an isolation platform and a payload to be supported, said lower plate having a plurality of upward-facing, conical, rigid bearing surfaces linked by connecting members and disposed opposite said downward-facing, conical, rigid bearing surfaces, said downward and upward bearing surfaces defining a plurality of bearing cavities between said upper and lower plates. One having ordinary skill in the art at the time of the invention would have found it obvious to modify the seismic isolator of Yamada et al. to include a lower plate that mirrored the upper plate as taught in Otsuka et al. (Col. 6, Ln 46-48). Implementing a lower plate in Yamada et al. would allow the isolator to be installed easier as the conical surfaces would align without having to measure and install each one separately. Accordingly, it would have been obvious to modify Yamada et al. through the teachings of Otsuka et al. to contain a lower plate.

As noted above Yamada et al. teaches the rigid bearing surface being of the shape claimed, however they are not specifically disclosed. Figures 1-3 of Kemeny disclose the claimed characteristics of the rigid bearing surface. Implementing the rigid bearing surface of Kemeny with the system of Yamada et al. would have been obvious as a simple substitution of one known element for another to obtain a predictable result.

9. In Re claim 2, Figure 2 of Kemeny discloses the gasket (22).
10. In Re claim 3, Figures 1(a) and 1(b) of Yamada et al. disclose the claimed limitations.
11. In Re claim 4, the combination of Yamada et al. and Otsuka et al. teach the claimed limitations.
12. In Re claim 5, Figures 1(a) and 1(b) of Yamada et al. disclose a solid filler material (14).
13. In Re claim 6, the combination of Yamada et al. and Otsuka et al. teach the lower interstitial regions including a solid filler material (20), where in combining the references it would have been obvious to have the friction plate extend between the entire lower frame of the combination.
14. In Re claims 7 and 10, the combination of Yamada et al., Otsuka et al., and Kemeny teach the claimed limitations, see the reasoning set forth for the rejection to claim 1.

15. In Re claim 9, the above combination teaches, specifically Figure 1(a) of Yamada et al., discloses an open end (holes in beam).

16. In Re claim 11, Yamada et al. discloses more than 4 plates.

17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al., Otsuka et al., and Kemeny as applied to claim 7 above, and further in view of Haak (U.S. 5,716,037).

18. In Re claim 8, the combination teaches the claimed invention except for a securing device. Col. 3, Lines 25-32 of Haak teaches that it is known to fasten a payload to a seismic isolator. Securing the payload will ensure that it does not fall off the isolator as it moves. It therefore would have been obvious to one having ordinary skill in the art at the time of the invention to secure the payload to the upper plate as taught by Haak. Such a modification would not yield any new or unexpected results.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY N. BARTOSIK whose telephone number is (571)270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

Anthony Bartosik
Examiner
Art Unit 3635